



FAX

Legal Department
3160 Porter Drive
Palo Alto, CA 94304
(650) 855-0555
fax (650) 845-4166 or (650) 849-8886

DATE: February 19, 2003

TO: Richard M. Ross

COMPANY: United States Patent and Trademark Office

FAX NO.: (703) 308-6459

TELEPHONE NO.: (703) 308-6155

FROM: Lyza Finuliar for Diana Hamlet-Cox

OUR REF. NO.: PF-0731 USN

YOUR REF. NO.: 10/069,034

PAGES : 15 pages total

Mr. Ross:

Per your instructions during your telephonic interview with Diana Hamlet-Cox, I am sending you a copy of your PCT Communication mailed November 21, 2002 and copies of the following papers:

- 1) Postcard
- 2) Fee Transmittal Sheet
- 3) Petition For Name Change
- 4) Statement Regarding Name Change
- 5) Supplemental Application Data Sheet

mailed to the USPTO on November 13, 2002 which were received by the USPTO on November 18, 2002.

If you have any questions, please call me at (650) 849-8812.

Best regards,

A handwritten signature in black ink, appearing to read "Lyza Finuliar", written over a horizontal line.

Lyza Finuliar
Assistant to Diana Hamlet-Cox

This facsimile is intended for the addressee only and may contain confidential information. If you have received this facsimile in error, please call us at 650.855.0555 immediately to arrange for its return.



21 NOV 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Incyte Genomics
3160 Porter Drive
Palo Alto, CA 94304

In re Application of
LAL, Preti, et al.
U.S. Application No.: 10/069,034
PCT No.: PCT/US00/22315
International Filing Date: 14 August 2000
Priority Date: 17 August 1999
Attorney's Docket No.: PF-0731 USN
For: MEMBRANE ASSOCIATED PROTEINS

COMMUNICATION

This application is before the PCT Legal Office for issues arising under 35 U.S.C. 371.

BACKGROUND

On 14 August 2000, applicants filed international application PCT/US00/22315 which claimed a priority date of 17 August 1999 and which designated the United States.

A Demand was filed with the International Preliminary Examining Authority electing the United States prior to the expiration of nineteen months from the priority date. As a result, the deadline for payment of the basic national fee was extended to expire thirty months from the priority date, i.e., 19 February 2002 (17 February 2002 was a Sunday and 18 February 2002 was a national holiday).

On 15 February 2002, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 29 May 2002, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements indicating that an oath or declaration in compliance with 37 CFR 1.497 and a surcharge for providing the oath or declaration later than thirty months from the priority date were required.

On 05 August 2002, applicants filed a response including the \$130 surcharge payment and an executed declaration. A review of the declaration filed on 05 August 2002 reveals a discrepancy between the name given for the ninth inventor on the declaration and that set forth in the published international application. Specifically, the ninth inventor on the international application is identified as Chandra PATTERSON; this inventor is identified as Chandra S. ARVIZU on the declaration.

Application No. 10/069,034

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DISCUSSION

Section 605.04(b) of the MPEP states that:

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

In this case, as noted above the ninth inventor on the international application is identified as Chandra PATTERSON; however, this inventor is identified as Chandra S. ARVIZU on the declaration. This is more than a mere typographical error or phonetic misspelling of the applicant's name.

Accordingly, before the declaration filed on 05 August 2002 can be accepted, applicants are required to file a petition under 37 CFR 1.182, as indicated above. For the petition to be grantable, it must be accompanied by the requisite petition fee of \$130 as well as a statement from the inventor and any other persons having firsthand knowledge of the error which resulted in the discrepancy between the international application and the declaration with respect to the name of the second inventor. Such statement(s) must set forth the specific circumstances as to how and when the error was made and discovered, and must also state that the mistake was an inadvertent error without deceptive intent. In the case where applicant has changed her name, a statement must be signed by this inventor with both names and set forth the procedure whereby the change of name was effected.

CONCLUSION

The declaration filed on 05 August 2002 fails to satisfy 37 CFR 1.497 because, as discussed above, it fails to properly identify the inventors, specifically, the ninth inventor (identified on the international application as Chandra PATTERSON). The declaration therefore can not be accepted in satisfaction of 35 U.S.C. 371(c)(4).

Applicants must file a proper response within **TWO (2) MONTHS** from the mail date of this decision. Any such response should include a petition under 37 CFR 1.182 (including the required petition fee) to resolve the discrepancy in the name of the ninth inventor, as discussed above.

Failure to file a proper response in a timely manner will result in **ABANDONMENT** of the application.

Extensions of time are available under 37 CFR 1.136(a).

Application No. 10/069,034

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Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and address the contents of the letter to the attention of the PCT Legal Office.



Richard M. Ross

PCT Petitions Attorney

PCT Legal Office

Telephone: (703) 308-6155

Facsimile: (703) 308-6459

DT05 Rec'd PG-PTO 18 NOV 2

Commissioner for Patents
Washington, D.C. 20231

Mailed: November 13, 2002
Docket No.: PF-0731 USN

Applicants: Lal et al
Serial No.: 10/069,034
Filing Date: February 15, 2002
Title: MEMBRANE ASSOCIATED PROTEINS

Enclosed are:

1. Return Receipt Postcard;
2. Fee Transmittal Sheet (1 pg., in duplicate);
3. Petition For Name Change Under 37 CFR 1.182 (1 pg.);
4. Statement Regarding Name Change (1 pg.);
5. Initial Application Data Sheet (7 pp.); and
6. Supplemental Application Data Sheet (7 pp.).



DHC/M

Method of Payment: Deposit Account

RECEIVED
NOV 18 2002
Incyte Genomics, Inc.
Legal Department
3160 Porter Drive
Palo Alto, CA 94304



Croftsbod Cove National Park, NM

Incyte Genomics, Inc.
Legal Department
3160 Porter Drive
Palo Alto, CA 94304



Docket N .: PF-0731 USN

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on November 13, 2002.

By: Printed: Lyza Fimaliar**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Application of: Lal et al.Title: MEMBRANE ASSOCIATED PROTEINSSerial No.: 10/069,034Filing Date: February 15, 2002Examiner: To Be AssignedGroup Art Unit: To Be Assigned

Commissioner for Patents
Washington, D.C. 20231

FEE TRANSMITTAL SHEET

Sir:

Transmitted herewith are the following for the above-identified application: -

1. Return Receipt Postcard;
2. Petition For Name Change Under 37 CFR 1.182 (1 pg.);
3. Statement Regarding Name Change (1 pg.);
4. Initial Application Data Sheet (7 pp.); and
5. Supplemental Application Data Sheet (7 pp.).

The fee has been calculated as shown below.

<u>X</u> Fee for Petition for Name Change of Inventor Under 37 CFR	\$ 130.00
<u>X</u> Please charge Deposit Account No. 09-0108 in the amount of :	\$ <u>130.00</u>

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17, or credit overpayment to Deposit Account No. 09-0108. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: 13 Nov 2002

Diana Hamlet-Cox

Reg. No. 33,302

Direct Dial Telephone: (650) 845-4639

Customer No.: 27904
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555
Fax: (650) 845-4166

Docket No.: PF-0731 USN

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on November 13, 2002.

By: [Signature] Printed: Lyza Firuliar

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lal et al.

Title: MEMBRANE ASSOCIATED PROTEINS

Serial No.: 10/069,034

Filing Date: February 15, 2002

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

Commissioner for Patents
Washington, D.C. 20231

PETITION FOR NAME CHANGE OF INVENTOR UNDER 37 CFR 1.182

Sir:

Applicant respectfully requests that the name of Chandra Patterson, named inventor for the above-referenced application be changed from Chandra Patterson to Chandra S. Arvizu. This change is requested because of marriage of the inventor and inventor's desire to claim her legal married name. This change is due to the name change of the inventor between filing the international application and the execution of the Declaration and not deceptive intent (please see MPEP §605.04(c) and 37 CFR § 1.181).

The Commissioner is hereby authorized to charge the petition fee of \$130.00 and charge any additional fees or credit any overpayment to Deposit Account No. 09-0108.

Respectfully submitted,
INCYTE GENOMICS, INC.

Date: 13 Nov 2002

[Signature]
Diana Harnlet-Cox
Reg. No. 33,302
Direct Dial Telephone: (650) 845-4639

3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 845-0555
Fax: (650) 845-4166

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10/069,034

STATEMENT REGARDING NAME CHANGE

I, **Chandra S. Arvizu**, hereby declare:

1. Until May 11, 2001, my legal name was **Chandra Patterson**.
2. Since May 11, 2001, by virtue of my marriage, my legal name has been

Chandra S. Arvizu.

3. **Chandra Patterson** and **Chandra S. Arvizu** are thus one and the same person.

4. I hereby declare that all statements made herein of my own knowledge are true, and that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Chandra S. Arvizu
Chandra S. Arvizu

Chandra Patterson
Chandra Patterson

10-11-02
Date

Supplemental Application Data Sheet**Application Information**

Application Number:: 10/069,034
Filing Date::
Application Type:: Regular
Subject Matter:: Utility
CD-ROM or CDR?::
Number of CD Discs::
Number of copies of CDs::
Sequence Submission?::
Computer Readable Form
(CRF?):
Number of Copies of CRF::
Title:: MEMBRANE ASSOCIATED PROTEINS
Attorney Docket No.: PF-0731 USN
Request for Early Publication:: No
Request for Non-Publication:: No
Total Drawings Sheets::
Small Entity:: No

Applicant Information

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full capacity
First Name:: Preeti
Middle Name::
Last Name:: Lal
Name Suffix::
City of Residence:: Santa Clara
State or Province of Residence:: CA

Street of mailing address:: 2382 Lass Drive
City of mailing address:: Santa Clara
State or Province of mailing address:: CA
Country of mailing address:: US
Postal or Zip Code of mailing address:: 95054

Applicant Information

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full capacity
First Name:: Henry
Middle Name::
Last Name:: Yue
Name Suffix::

City of Residence:: Sunnyvale
State or Province of Residence:: CA
Street of mailing address:: 826 Lois Avenue
City of mailing address:: Sunnyvale
State or Province of mailing address:: CA
Country of mailing address:: US
Postal or Zip Code of mailing address:: 94087

Applicant Information

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full capacity
First Name:: Y Tom
Middle Name::

Last Name:: Tang
Name Suffix::
City of Residence:: San Jose
State or Province of Residence:: CA
Street of mailing address:: 4230 Ranwick Court
City of mailing address:: San Jose
State or Province of mailing address:: CA
Country of mailing address:: US
Postal or Zip Code of mailing address:: 95118

Applicant Information

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full capacity

First Name:: Olga
Middle Name::
Last Name:: Bandman

Name Suffix::
City of Residence:: Mountain View
State or Province of Residence:: CA
Street of mailing address:: 366 Anna Avenue
City of mailing address:: Mountain View
State or Province of mailing address:: CA
Country of mailing address:: US
Postal or Zip Code of mailing address:: 94043

Applicant Information

Applicant Authority Type:: Inventor

Primary Citizenship Country:: United Kingdom
Status:: Full capacity
First Name:: Neil
Middle Name::
Last Name:: Burford
Name Suffix::
City of Residence:: Durham
State or Province of Residence:: CT
Street of mailing address:: 105 Wildwood Circle
City of mailing address:: Durham
State or Province of mailing address:: CT
Country of mailing address:: US
Postal or Zip Code of mailing address:: 06422

Applicant Information

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full capacity
First Name:: Yalda
Middle Name::
Last Name:: Azimzai
Name Suffix::
City of Residence:: Oakland
State or Province of Residence:: CA
Street of mailing address:: 280 Caldecott Lane
#118
City of mailing address:: Oakland
State or Province of mailing address:: CA

Country of mailing address:: US
Postal or Zip Code of mailing address:: 94618

Applicant Information

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full capacity
First Name:: Mariah
Middle Name:: R
Last Name:: Baughn
Name Suffix::

City of Residence:: San Leandro
State or Province of Residence:: CA
Street of mailing address:: 14244 Santiago Road
City of mailing address:: San Leandro
State or Province of mailing address:: CA
Country of mailing address:: US
Postal or Zip Code of mailing address:: 94577

Applicant Information

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full capacity
First Name:: Dyung Aina
Middle Name:: M
Last Name:: Lu
Name Suffix::
City of Residence:: San Jose
State or Province of Residence:: CA

Street of mailing address:: 233 Coy Drive

City of mailing address:: San Jose

State or Province of mailing address:: CA

Country of mailing address:: US

Postal or Zip Code of mailing address:: 95123

Applicant Information

Applicant Authority Type:: Inventor

Primary Citizenship Country:: US

Status:: Full capacity

First Name:: Chandra

Middle Name:: S

Last Name:: Arvizu

Name Suffix::

City of Residence:: San Jose

State or Province of Residence:: CA

Street of mailing address:: 1706 Morocco Drive

City of mailing address:: San Jose

State or Province of mailing address:: CA

Country of mailing address:: US

Postal or Zip Code of mailing address:: 95125

Correspondence Information

Correspondence Customer Number:: 27904

Representative Information

Representative Customer Number:: 27904

Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This	National Stage of:	60/149,641	08/17/99
Application		60/164,203	11/09/99

Foreign Priority Information

Country::	Application Number::	Filing Date::	Priority Claimed::
WO	PCT/US00/22315	08/14/00	Yes

Assignee Information

Assignee name::	Incyte Genomics, Inc.
Street of mailing address::	3160 Porter Drive
City of mailing address::	Palo Alto
State or Province of mailing address::	California
Country of mailing address::	US
Postal or Zip Code of mailing address::	94304



FAX

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DATE: June 3, 2003
TO: Richard M. Ross
COMPANY: United States Patent and Trademark Office
FAX NO.: (703) 308-6459
TELEPHONE NO.: (703) 308-6155
FROM: Diana Hamlet-Cox
OUR REF. NO.: PF-0731 USN
YOUR REF. NO.: 10/069,034
PAGES : 1 page total

RECEIVED
03 JUN 2003
Legal Staff
International Division

Mr. Ross:

Further to your telephonic interview with my assistant, Lyza Finuliari, I hereby certify that true copies of the original documents filed on November 13, 2002 and received by the USPTO on November 18, 2002, were also sent to your office by facsimile on February 19, 2003.

If you have any questions, please call me at (650) 845-4639.

Best regards,

A handwritten signature in cursive script, appearing to read "Diana Hamlet-Cox".

Diana Hamlet-Cox, Ph.D., J.D., Reg. No. 33,302
Vice President, Intellectual Property
Incyte Corporation, Legal Department

This facsimile is intended for the addressee only and may contain confidential information. If you have received this facsimile in error, please call us at 650.855.0555 immediately to arrange for its return.

USPTO/PCT LEGAL

3 308 6459

*** RX REPORT ***

RECEPTION OK

TX/RX NO	5594
CONNECTION TEL	650 845 4166
CONNECTION ID	
START TIME	06/03(TU)12:46
USAGE TIME	00'32"
PGS.	1
RESULT	OK

*** RX REPORT ***

RECEPTION OK

TX/RX NO	5091
CONNECTION TEL	650 845 4166
CONNECTION ID	
START TIME	02/19(WE)15:19
USAGE TIME	03'37"
PGS.	15
RESULT	OK